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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/937,404 | 09/26/2001 | Yoshiko Yamada | 2576-112 | 9447 |
| 6449 | 7590 | 04/09/2004 | EXAMINER | |
| ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005 | | | MILLER, BRANDON J | |
| | | ART UNIT | | PAPER NUMBER |
| | | 2683 | | 6 |

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/937,404 | YAMADA, YOSHIKO | |
| | Examiner | Art Unit | |
| | Brandon J Miller | 2683 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Shiraki.

Regarding claim 1 Murphy teaches a portable telephone that receives a first voice signal, which is significant for communication of intentions between callers (see col. 3, lines 35-44). Murphy teaches a second voice signal other than the first voice signal together with a determination signal (see col. 4, lines 9-13). Murphy teaches converting voice signals that have been received into a sound for output (see col. 3, lines 35-39). Murphy teaches a battery that supplies electric power to its own circuits is mounted on a portable telephone (see col. 3, lines 48-52). Murphy teaches a receiving circuit receiving signals (see col. 4, lines 9-11). Murphy teaches determining if a call is in progress or not (see col. 2, lines 40-45). Murphy teaches a remaining amount sensing circuit sensing a remaining amount of battery (see col. 3, lines 48-52). Murphy teaches an output circuit, a receiving circuit, and a remaining amount sensing circuit for converting voice signals into a sound for output on the basis of a result of if a call is in progress and a result of sensing by a remaining amount sensing circuit (see col. 2, lines 40-46, col. 3, lines 48-52, and col. 4, lines 9-15). Murphy does not specifically teach a voice signal sensing circuit connected to a receiving circuit sensing whether a first voice signal is present or not on the basis

of a determination signal. Shiraki teaches a voice signal sensing circuit connected to a receiving circuit sensing whether a first voice signal is present or not on the basis of a determination signal (see col. 9, lines 17-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to specifically include a voice signal sensing circuit connected to a receiving circuit sensing whether a first voice signal is present or not on the basis of a determination signal because this would allow for a more efficient battery monitoring system for portable wireless devices.

Regarding claim 2 Murphy teaches a second voice signal that is a signal that is transmitted at a predetermined time interval and a sending circuit connected to a receiving circuit and output for sending a second voice signal that has been received at the interval to output for the time interval (see col. 3, lines 48-52 and col. 4, lines 9-15). Murphy does not specifically teach a first voice signal that is absent. Shiraki teaches a voice detection circuit that indicates a caller is not speaking (see col. 16, lines 16-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a first voice signal that is absent because this would allow for improved notification of battery power depletion in a portable wireless device.

Regarding claim 3 Murphy and Shiraki teach a device as recited in claim 3 except for a circuit stopping an output of a second voice signal in a case in which the first voice signal is not sensed and in which the remaining amount of the battery sensed is less than or equal to a predetermined value, and starting the output of the second voice signal in at least one of a case in which the first voice signal has been sensed and a case in which the remaining amount of battery is more than or equal to the predetermined value. Murphy does teach stopping an output of a

second voice signal (see col. 4, lines 38-40). Murphy does teach not outputting a second voice signal in a case in which a call is not in progress and in which the remaining amount of the battery sensed is less than or equal to a predetermined value (see col. 2, lines 41-46 and col. 4, lines 50-55). Murphy does teach starting the output of the second voice signal in at least one of a case in which a call is in progress and a case in which the remaining amount of battery is more than or equal to the predetermined value (see col. 2, lines 44-46, col. 3, lines 48-51, and col. 4, lines 9-13). Shiraki does teach a voice signal sensing circuit connected to a receiving circuit sensing whether a first voice signal is present or not on the basis of a determination signal (see col. 9, lines 17-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a circuit stopping an output of a second voice signal in a case in which the first voice signal is not sensed and in which the remaining amount of the battery sensed is less than or equal to a predetermined value, and starting the output of the second voice signal in at least one of a case in which the first voice signal has been sensed and a case in which the remaining amount of battery is more than or equal to the predetermined value because this would allow for a more accurate battery level determination and use of information for predetermined apparatus activities.

Regarding claim 4 Murphy and Shiraki teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 5 Murphy teaches a portable telephone that includes a control circuit for controlling an operation of an output on the basis of a result of if a call is in progress and a result of sensing by a remaining amount sensor (see col. 2, lines 40-46, col. 3, lines 48-52, and col. 4, lines 9-14). Shiraki teaches a voice signal sensing circuit connected to a receiving circuit sensing

whether a first voice signal is present or not on the basis of a determination signal (see col. 9, lines 17-22).

Regarding claim 6 Murphy and Shiraki teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 7 Murphy and Shiraki teach a device as recited in claim 3 except for a control circuit stopping the operation of an output circuit in a case in which the first voice signal is not sensed and in which the remaining amount of the battery sensed is less than or equal to a predetermined value, and starting the operation of the output circuit in at least one of a case in which the first voice signal has been sensed and a case in which the remaining amount of battery is more than or equal to the predetermined value. Murphy does teach stopping an output of a second voice signal (see col. 4, lines 38-40). Murphy does teach not outputting a second voice signal in a case in which a call is not in progress and in which the remaining amount of the battery sensed is less than or equal to a predetermined value (see col. 2, lines 41-46 and col. 4, lines 50-55). Murphy does teach starting the output of the second voice signal in at least one of a case in which a call is in progress and a case in which the remaining amount of battery is more than or equal to the predetermined value (see col. 2, lines 44-46, col. 3, lines 48-51, and col. 4, lines 9-13). Shiraki does teach a voice signal sensing circuit connected to a receiving circuit sensing whether a first voice signal is present or not on the basis of a determination signal (see col. 9, lines 17-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a control circuit stopping the operation of an output circuit in a case in which the first voice signal is not sensed and in which the remaining amount of the battery sensed is less than or equal to a predetermined value, and

starting the operation of the output circuit in at least one of a case in which the first voice signal has been sensed and a case in which the remaining amount of battery is more than or equal to the predetermined value because this would allow for a more accurate battery level determination and use of information for predetermined apparatus activities.

Regarding claim 8 Murphy teaches a portable telephone that receives a first voice signal, which is significant for communication of intentions between callers (see col. 3, lines 35-44). Murphy teaches a second voice signal other than the first voice signal together with a determination signal (see col. 4, lines 9-13). Murphy teaches converting voice signals that have been received into a sound for output (see col. 3, lines 35-39). Murphy teaches a battery that supplies electric power to its own circuits is mounted on a portable telephone (see col. 3, lines 48-52). Murphy teaches receiving signals (see col. 4, lines 9-11). Murphy teaches determining if a call is in progress or not (see col. 2, lines 40-45). Murphy teaches a sensing a remaining amount of battery (see col. 3, lines 48-52). Murphy teaches an output, receiving signals, and a remaining amount sensing means for converting voice signals into a sound for output on the basis of a result of if a call is in progress and a result of sensing the remaining amount of battery power (see col. 2, lines 40-46, col. 3, lines 48-52, and col. 4, lines 9-15). Murphy does not specifically teach a voice signal sensing means connected to a receiving means sensing whether a first voice signal is present or not on the basis of a determination signal. Shiraki teaches a voice signal sensing circuit connected to a receiving circuit sensing whether a first voice signal is present or not on the basis of a determination signal (see col. 9, lines 17-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to specifically include a voice signal sensing means connected to a receiving means

sensing whether a first voice signal is present or not on the basis of a determination signal because this would allow for a more efficient battery monitoring system for portable wireless devices.

Regarding claim 9 Murphy and Shiraki teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 10 Murphy and Shiraki teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 11 Murphy and Shiraki teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 12 Murphy and Shiraki teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 13 Murphy and Shiraki teach a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 14 Murphy and Shiraki teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 15 Murphy teaches controlling voice output that receives a first voice signal, which is significant for communication of intentions between callers (see col. 3, lines 35-44). Murphy teaches a second voice signal other than the first voice signal together with a determination signal (see col. 4, lines 9-13). Murphy teaches converting voice signals that have been received into a sound for output (see col. 3, lines 35-39). Murphy teaches a battery that supplies electric power to its own circuits is mounted on a portable telephone (see col. 3, lines 48-52). Murphy teaches receiving signals (see col. 4, lines 9-11). Murphy teaches determining

if a call is in progress or not (see col. 2, lines 40-45). Murphy teaches a sensing a remaining amount of battery (see col. 3, lines 48-52). Murphy teaches an output, receiving signals, and a remaining amount sensing means for converting voice signals into a sound for output on the basis of a result of if a call is in progress and a result of sensing the remaining amount of battery power (see col. 2, lines 40-46, col. 3, lines 48-52, and col. 4, lines 9-15). Murphy does not specifically teach a voice signal sensing means connected to a receiving means sensing whether a first voice signal is present or not on the basis of a determination signal. Shiraki teaches a voice signal sensing circuit connected to a receiving circuit sensing whether a first voice signal is present or not on the basis of a determination signal (see col. 9, lines 17-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to specifically include a voice signal sensing means connected to a receiving means sensing whether a first voice signal is present or not on the basis of a determination signal because this would allow for a more efficient battery monitoring system for portable wireless devices.

Regarding claim 16 Murphy and Shiraki teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 17 Murphy and Shiraki teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 18 Murphy and Shiraki teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 19 Murphy and Shiraki teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 20 Murphy and Shiraki teach a device as recited in claim 6 and is rejected given the same reasoning as above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reichelt U.S Patent No. 6,427,072 discloses a reserve power system for any battery-operated device.

Hayes, Jr. U.S. Patent No. 5,726,636 discloses an emergency telephone with automatic low-battery signaling.

Berestesky U.S. Patent No. 6,321,194 discloses voice detection in audio signals

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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April 2, 2004



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